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OCT 21 2005

**Certification for a
Complaint to the Washington State Public Disclosure Commission Relating to an
Elected Official or Candidate for Public Office
(Notary Not Required)**

Public Disclosure Commission

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature: Margaret S Tweet

Your printed name: Margaret S Tweet

Street address: 2715 NW 34th Circle

City, state and zip code: Camas, WA 98607-8239

Telephone number: 360 833-2014

E-Mail Address: (Optional) savr kids@comcast.net

Date Signed: 10-19-2005

Place Signed (City and County): Camas Clark
City County

*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

COMPLAINT ATTACHED

10-19-05

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Formal Complaint to the Washington State Public Disclosure Commission
Relating to an Elected Official or Candidate for Public Office

Public Disclosure Commission

see attached please
Name of Official or Candidate: _____

Address of Official or Candidate: _____

Official's or Candidate's _____
City State Zip Code

Official's or Candidate's Telephone: _____
(Include Area Code)

Official's or Candidate's E-Mail Address: _____
(If known)

Your signature: _____

Your printed name: _____

Street address: _____

City, state and zip code: _____

Telephone number: _____

E-Mail Address: (Optional) _____

Date Signed: _____

Place Signed (City and County): _____
City County

Complaint: (Attach Complaint and Certification)

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Public Disclosure Commission

RCW 42.17.130

Forbids use of public office or agency facilities in campaigns.

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

The elected official who is a candidate and may have violated Public Disclosure Law (Chapter 42.17 RCW)

Clark County Commissioner Steve Stuart

1300 Franklin 6th, Vancouver, WA 98666-5000

Main phone: (360) 397-2232 | FAX: (360) 397-6058

Clark County/Vancouver TV
law

is the office that may have violated the

City/County Cable Building
202 E. Mill Plain Blvd.
Vancouver, Washington
(360) 696-8016
Fax: (360) 696-8298

Director

Program Manager

My name is Margaret Tweet
Signature Margaret S. Tweet
2715 NW 34th Circle

Camas, WA 98607-8239

Tel 360-833-2014

e-mail

Place signed Camas City Clark County

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OCT 21 2005

Public Disclosure Commission

Wednesday October 19, 2005

My complaint is that the local government TV channel is airing repeated 30-minute interviews of Clark County Commissioner Steve Stuart during an election in which he is running for county commissioner. The broadcasts started on Sunday, October 16 just preceding the mailing of the ballots to voters Wednesday, October 19 and continuing through election day Nov. 8 until mid November according to Jim Demmon, manager at CVTV. The schedule available at www.cvtr.org is included in the e-mail complaint below.

I complained to CVTV, a county commissioner who is not up for election, and a city councilor who is a candidate. CVTV Director Donna Mason replied, and the e-mail is at the bottom of this complaint.

I called CVTV this afternoon around 2:45PM to get added information to be able to file this complaint and spoke with Jim Demmon who is a manager. He informed me that the Stuart interviews have already been aired 3 times.

Sunday Oct. 16 at 7 PM

Monday Oct. 17 at 2:31, and 5:30.

He explained that CVTV is a joint department of both Clark County and the City of Vancouver who fund CVTV. I asked whether they considered the timing of this broadcast to be an inappropriate use of public resources for political advantage.

Mr. Demmon admitted that this had concerned the staff about 3 years ago, so they checked into it with county legal counsel Bronson Potter who assured them that it was fine.

I inquired about the records of the consultation, and he could not recall if there were any. I said I would submit a public records request, but the time it would take to get the records would make it moot.

He explained that the program Focus on Clark County has aired monthly interviews with commissioners for about 20 years. Commissioners are interviewed once a month, and the interviews are replayed about 5-6 times/week for the month after the interview. The schedule for 2005 Commissioner interviews is below.

Stuart Jan 31

Morris March 24

Boldt May 19

Stuart June 30

Morris July 29

Boldt Sept 15

Stuart Oct. 14

This seems to be use of public equipment and public staff during working hours to the great advantage of candidate for office Commissioner Stuart. Clark County Commissioners make the county budget annually and fund this

OCT 21 2005

Public Disclosure Commission

department jointly, and it is a public office. There is no similar interview air time for opposing candidates for commissioner.

In the same way legislators have a cut off date for mailings to citizens in election years, these commissioner interviews should not include candidates for office prior to and during an election. With the mail in voting, our elections are about 3 weeks long. Campaigns can spend huge amounts of money on TV advertising for just a few minutes. This was a whole 30 minute interview that cost the candidate nothing, the whole cost is borne by taxpayers, and it is aired continually just before and during the election.

I am e-mailing this information in hopes that if it is a violation, it can be stopped, in the best public interest.

I'm filling out the forms and mailing a hardcopy as well with all the info specified.

Included is the e-mail I sent and reply I received.

-----Original Message-----

From: Margaret Tweet [mailto:savrkids@comcast.net]

Sent: Wednesday, October 19, 2005 1:09 PM

To: jim.demmon@ci.vancouver.wa.us; donna.mason@ci.vancouver.wa.us

Cc: Reflector Reflector; Commissioner Marc Boldt;

jeanne.stewart@ci.vancouver.wa.us

Subject: Clark County/Vancouver government TV Abuse of public funds and trust for election favors

Dear Director,

CVTV taped an interview with appointed Democrat Clark County Commissioner Stuart who is running for office for the first time that will be aired 7 times between Friday Oct. 21 and Nov. 1. Ballots are mailed today, Wednesday Oct. 19, and should be arriving in homes on the very day these infomercials are scheduled to begin, Friday Oct. 21. Is this type of free infomercial appropriate for election season?

There is time to make corrections to this poor decision.

Certainly you are aware the election is Nov. 8 since you are airing many candidate debates.

These are a public service and appreciated when conducted fairly. But your focus feature on a candidate running for office as ballots are being mailed is outrageous.

Mr. Demmon just explained that CVTV had themselves questioned the timing of the rash of interviews during this election season thus had consulted legal counsel about it. This shows me that they knew it was a questionable and possibly illegal use of public funds and broadcasting. There is no question it is not in the public interest.

Please delay the airing of this program until after the election. There are plenty of commissioner debates scheduled to air that will afford the public a better means to familiarize themselves with Commissioner Stuart and also Candidate Mielke.

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OCT 21 2005

Sincerely,

Public Disclosure Commission

Margaret Tweet

Clark County Focus: Clark County Commissioner Steve Stuart (appointed Democrat running for election for the first time) is interviewed by local reporters.

Each Interview is 30 minutes and was Recorded October 14, 2005
Schedule

Friday, October 21 5:59 AM 23
Sunday, October 23 7:30 PM 23
Monday, October 24 2:30 PM 23
Wednesday, October 26 6:30 PM 23
Thursday, October 27 6:30 AM 23
Friday, October 28 4:31 PM 23
Tuesday, November 01 6:30 PM 23

CVTV will broadcast the Clark County Commissioner candidate debate that was hosted by Marvin Case of the Reflector. Moderated well by Marvin Case of the Reflector

Note, some are on CVTV Channel 23, others CVTV Channel 21

Tuesday, October 18 4:30 PM 23
Friday, October 21 3 AM 21
Friday, October 21 9:30 AM 23
Sunday, October 23 1:30 PM 23
Monday, October 24 2:30 AM 21
Friday, October 28 7 AM 21
Monday, October 31 10:30 AM 23
Wednesday, November 02 4 AM 21
Thursday, November 03 12:34 AM 23

-----Original Message-----

From: Mason, Donna [mailto:Donna.Mason@ci.vancouver.wa.us]

Sent: Wednesday, October 19, 2005 3:50 PM

To: Margaret Tweet

Cc: The Reflector; Boldt, Marc; Stewart, Jeanne; Morris, Betty Sue; Demmon, Jim; Stuart, Steve; Barron, Bill; Potter, Bronson; Looney, Tracie

Subject: Response to your October 19 e-mail

Dear Mrs. Tweet:

This will acknowledge receipt of your October 19 e-mail regarding the current Clark County Focus program.

As Mr. Demmon explained, Clark County Focus is a regular, on-going program produced by CVTV for Clark County. Commissioners have appeared on a rotating basis for the past 20 years on the program. The program is

produced to provide information about County business and activities. It

is not a political/election program. In the past incumbents have appeared on the program as part of the regular rotation in the month prior or the month of an election (general or primary). The current Clark County Focus has been produced and is airing consistent with that practice. It will not air any more or any less than previous programs. It is not a "political infomercial".

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OCT 21 2005

I also understand that you raised questions with Mr. Demmon ^{Public Disclosure Commission} choice of interviewers for the program. We work with several members of the local media and again rotate their appearance as panel members on Focus as their schedule and ours allows.

Because we are sensitive to issues of fairness that is why we produce a Video Voters guide in which all candidates are invited to participate, and most do. In addition, we produce and air interview programs with local candidates which air extensively, and over the week-end prior to the election, exclusively on CVTV. We are currently airing such an interview program with Mr. Stuart and Mr. Mielke. In addition, we are, as you noted, televising several debates and candidate forums. These too will run up until 8 PM November 8, Election Day.

You have also asked what legal authority we have to support this policy.

I am attaching an e-mail from the County Prosecutor's Office regarding this issue which was provided to us in August 2002:

Original Message

From: Potter', Bronson

Sent: Wednesday, August 21, 2002 3:42 PM

To: Pridemore, Craig; Bowyer, Mark; Demmon, Jim

Cc: Mason, Donna; McDonnell, Pat; Stanton, Judie; Morris, Betty
Sue; Wyrick, Curt

Subject: RE: Focus Taping

Jim Demmon left me a VMM asking about the legal implications of Commsr. Pridemore appearing on the guest spot of "In Focus" (sic). It is my opinion that such an appearance would NOT violate any law. RCW 42.17.130(3) provides that activities that are a part of the "normal and regular conduct of the agency" are not violations of the prohibition against using public offices or facilities to assist an election. Commsr.. Pridemore appearing on a regular rotation of the show's guests fits within the conduct allowed by RCW 42.17.130(3).

Any decision not to appear is based on personal, rather than legal, grounds.

Bronson

Thank you for taking the time to share your concerns.

Sincerely,

Donna Mason

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NOV 01 2005

Public Disclosure Commission

this is an update to
a complaint re
Steve Stuart, Clark
County Commissioner
& public broadcasts/
mailings
during election
season. This mailing
I think was sent
in August 2005
to residents countywide.
over.

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Public Disclosure Commission

According to Post
Office records, the
date may have been
August 29, 2005?

I asked the county
for records on Tues.
Oct. 25 but no
answer yet.

~~#~~ Margaret tweet

833-2014

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NOV 03 2005

From: Margaret Tweet [mailto:savrkids@comcast.net]

Sent: Thursday, November 03, 2005 11:30 AM

To: PDC

Public Disclosure Commission

Subject: Update to complaint about Clark County Commissioner Stuarts' use of public resources to assist campaign. Attn Doug Ellis

Thursday November 3, 2005

To: PDC Doug Ellis

**RE: Amendment/update to complaint filed with PDC
Regarding Clark County Commissioners Steve Stuart
Mailings during election season using public resources**

This is an update to a complaint I filed regarding the use of public resources to directly or indirectly assist in a campaign of an incumbent county commissioner who is currently running for office. I mailed to the PDC evidence that Clark County Commissioners appear to have used public resources for a mailing during an election season that seems to support the candidacy of one commissioner, Steve Stuart, the incumbent who is running for office. All the commissioners are featured prominently on the front page with pictures and contact information. The timing of this county missive during election season is what makes the use of public resources an assist to the campaign of Commissioner Stuart for office.

I mailed a copy of the 3 ½ page letter that was sent by the commissioners, a letter from the postmaster, and a list of Class A mailings for the year 2005 provided by the post office. Please confirm that the PDC has received this mailed information. I am going to send additional years from the postmaster information either via fax or mail.

These are the facts as I have them now, and further information about the mailings and dates of commissioner "updates" has been requested from the county but not yet provided. According to the Post office letter, the 3 ½ page mailing I provided them and the PDC a copy of is a standard A mailing. A list of standard A mailings under the Clark County permit # 130 was provided by the postmaster for the years September 7, 2001-October 20, 2005. The Clark county commissioner mailing was sent to "residential customer" as an "update from your county commissioners Summer/Fall 2005".

The postmaster list indicates that a Class A mailing was sent on the county permit (# 130) to about 164,053 recipients on August 29, 2005. This was the only massive standard A mailing sent by the Clark County permit listed in the year 2005. According to information obtained from the postmaster via phone today, there are at least about 160,000 "residential customers" in Clark County. This estimate includes city, rural, and box residential customers in Clark County. More exact figures could be obtained from the district office in Portland. Thus it appears the county may have sent the "update from your county commissioners" around August 29. This warrants investigation.

This may have also been done in previous years, and requires further investigation. The county has been asked for records of the mailings that were sent and the corresponding dates, but has not yet replied.

At the federal level, the cut off date for mailings prior to elections for incumbents running for office is 90 days. Federal Franking office 202-225-9337.

At the state level, RCW 42.52.185 provides guidelines that restrict informative mailings from legislators during an election year "no later than 60 days after the end of a regular legislative session"

I do not think it is in the public interest for the county to send mailings featuring candidates for office in the 90 days prior to an election in which the featured official is a candidate for office. A county mailing featuring a candidate for office was sent in 2005, and based on the information from the Post office, this mailing was sent in the 90 day pre-election period. The final election date in 2005 is Nov. 8.

Please confirm that you did get this e-mail. Thank you.

Margaret Tweet
360-833-2014

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NOV 03 2005

Public Disclosure Commission

-----Original Message-----

From: Redline, Tina [mailto:Tina.Redline@clark.wa.gov] On Behalf Of Barron, Bill

Sent: Tuesday, November 01, 2005 3:51 PM

To: savrkids@comcast.net

Subject: Records Request

Ms. Tweet:

We are in receipt of your request dated October 25, 2005 regarding county mailings.

In light of the work generated by this request, we will make every effort to fulfill this request by November 15, 2005 (close of business). If more time is needed, we will, at the very least, provide a status report to you by November 15.

Should you have questions, please call me at 397-2232.

Bill Barron
County Administrator